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Consumer Law (30th : 2000  
: University of Toronto)  
30th Annual Workshop on  
Commercial and Consumer Law  
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FACULTY OF LAW  
UNIVERSITY OF TORONTO



# 30th Annual Workshop on Commercial and Consumer Law

*Friday and Saturday, October 20-21, 2000*

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Workshop Papers and Other Materials

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**The Solarium  
Falconer Hall • Faculty of Law  
University of Toronto**

Sponsored by the Canadian Business Law Journal, the Commercial and Consumer Law Section of the Canadian Association of Law Teachers, the Osgoode Hall Law School, and the Faculties of Law of the University of British Columbia, McGill University, and the University of Toronto.





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## INTRODUCTION

Following our established practice, we are hereby making available to Workshop participants a copy of the papers available to us at this time and which are to be presented (in highly condensed form) at this year's Annual Workshop. If they reach us in time, copies of the remaining papers will be made available on Friday.

You will appreciate that the papers are still only in draft form and that, in any event, the copyright belong to the authors. The papers may therefore not be cited or redistributed without the Workshop's and the individual authors' consent. As in earlier years, we expect to publish the final version of many of the papers and comments in the Canadian Business Law Journal.

If you are joining us for the Reception and Annual Dinner at the Faculty Club on Friday evening, please check the list at the registration desk to make sure your name is on it. If it is not, please so advise the individual on duty at the desk. The dinner is an integral part of the Workshop, as well as a pleasant social occasion. I urge you to consider joining us for the event if you have not already decided to do so.

On behalf of the Workshop I should like to extend a particularly warm welcome to Prof. Sir Roy Goode from Oxford, England, Prof. Neil Cohen of the Brooklyn Law School, and Kathleen Keest, from the Attorney General's office in Iowa.

Welcome to the 30th Annual Workshop!

A handwritten signature in black ink, appearing to read 'Jacob Ziegel', with a stylized, flowing script.

Jacob Ziegel  
Workshop Convenor

October 16, 2000



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October 17, 2000



# 30th Annual Workshop on Commercial and Consumer Law

*Friday and Saturday, October 20-21, 2000*

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## PROGRAMME

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**The Solarium  
Falconer Hall • Faculty of Law  
University of Toronto**

Sponsored by the Canadian Business Law Journal, the Commercial and Consumer Law Section of the Canadian Association of Law Teachers, the Osgoode Hall Law School, and the Faculties of Law of the University of British Columbia, McGill University, and the University of Toronto.

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*Friday Afternoon, October 20*

12:15 p.m. *Buffet Luncheon* • Falconer Hall

1:00 p.m. **Loosening the Privity Fetters: Should Common Law Canada Recognize Contracts for the Benefit of Third Parties?**

*Chair:* Bill Estey • Torys, Toronto

Presentation: John D. McCamus • Osgoode Hall Law School

Commentators: Martin Boodman • McCarthy Tétrault, Montreal  
Peter Benson • University of Toronto Law School

2:20 *Intermission*

2:35 p.m. **The Modernization of Commercial Law and the Role of Commercial Codes in the Cybernetic Age**

*Chair:* Ron Cuming • University of Saskatchewan

Panellists: Neil Cohen • Brooklyn Law School, N.Y.  
Sir Roy Goode • St. John's College, Oxford  
Arthur Close • BC Law Institute, Vancouver  
Jacob Ziegel • University of Toronto Law School

4:15 p.m. *Intermission*

4:30 p.m. **Class Actions Come of Age in Canada**

*Chair:* Justice Robert Sharpe • Ontario Court of Appeal

Presentation: Garry Watson • Osgoode Hall Law School

Commentators: Patricia Jackson • Torys, Toronto  
Neil Williams • Melbourne, Australia

6:00 p.m. *Informal Reception* • Falconer Hall

6:30 for  
7:15 p.m.

*Reception and Annual Dinner*

*(jointly sponsored by the Annual Workshop and the Faculty of Law, University of Toronto)*

Faculty Club • University of Toronto

Guest Speaker: Professor Sir Roy Goode • St. John's College, Oxford

## *Saturday, October 21*

**9:00 a.m.      Coping with the Legacy of Salomon v. Salomon: When Should Officers and Directors be Held Personally Liable to Third Parties?**

**Chair:** Mark Gelowitz • Osler, Hoskin & Harcourt, Toronto

**Presentation:** Chris Nicholls • Dalhousie University Law School

**Commentators:** Edward Iacobucci • University of Toronto Law School  
Janis Sarra • University of British Columbia Law School

**10:45 a.m.      *Intermission***

**11:00 a.m.      Meeting the Challenges of Financial Services for Low Income Consumers**

**Chair:** Justice Georgina Jackson, Saskatchewan Court of Appeal

**Presentation:** Iain Ramsay • Osgoode Hall Law School

**Commentators:** Tony Duggan • University of Toronto Law School  
Kathleen Keest • Iowa Attorney General's Office

**12:30 p.m.      *Buffet luncheon* • Falconer Hall**

**1:15 p.m.      *Annual Meeting* • Canadian Conference of Commercial and Consumer Lawyers**

**Work in Progress Reports • Convenor: Kevin Davis, University of Toronto**

**1:30 p.m.      *The Constitutionality of British Columbia's Anti-Tobacco Legislation***

**Chair:** Kevin Davis • University of Toronto Law School

**Presentation:** Elizabeth Edinger • University of British Columbia Law School

**Commentator:** Sujit Choudry • Faculty of Law, University of Toronto

**2:15 p.m.      *Internet-Based Securities Offerings: Attractions and Challenges***

**Chair:** Howard Wetston • Vice-chair,  
Ontario Securities Commission

**Presentation:** Stéphane Rousseau • Université de Montréal

**Commentator:** Anita Anand • Queen's University Law School

**3:00 p.m.**     *Intermission*

**3:10 p.m.**     *How Much of New Article 9 is Suitable for Adoption in Canada?*

**Chair:**                      Ivan Ivankovich • University of Alberta

**Joint Presentation:**     Ron Cuming • College of Law, University of Saskatchewan  
Catherine Walsh • University of New Brunswick

**Commentator:**          Benjamin Geva • Osgoode Hall Law School

**4:00 p.m.**     *What Role for Equitable Subordination in Canadian Insolvency Law?*

**Chair:**                      Lionel Smith • McGill Law School

**Presentation:**          Tom Telfer • Auckland University Law School

**Commentator:**          John J. Chapman • Miller Thomson, Toronto

**5:00 p.m.**     *Reception* • Falconer Hall

#### General Notes

1. Unless otherwise announced, all sessions will be held in the Solarium of Falconer Hall, Faculty of Law, University of Toronto, 84 Queen's Park. Falconer Hall is to the south of, and immediately adjacent to, the Planetarium on the west side of University Avenue. The nearest subway station is "Museum" on the University line.
2. The Reception and Annual Dinner on the Friday evening will be held at the Faculty Club, University of Toronto. The Faculty Club is located at 41 Willcocks Street, near Spadina Avenue, one full block south of Harbord Street (first traffic lights south).
3. Spouses and friends of Workshop participants are welcome to attend the reception and dinner if there is room. If you wish additional tickets for the event, please contact Ms. Dace Veinberga at (416) 978-6020.
4. Copies of the papers to be discussed and other appropriate materials will be made available at the Workshop. Some may also be distributed in advance. Additional copies can be ordered for a reasonable price.
5. For further information or other assistance, please contact Dace Veinberga at (416) 978-6020; fax number (416) 978-2648; e-mail [secretarial.lawsupport@utoronto.ca](mailto:secretarial.lawsupport@utoronto.ca).



## CHANGES TO PROGRAMME AND A REMINDER

### *Business Meeting, Saturday, 1:15 p.m.*

There will be an important business meeting to discuss the arrangements for the future Annual Workshops and to consider the status and activities of the Canadian Conference on Commercial and Consumer Law formed in 1997.

### *Saturday afternoon*

Benjamin Geva will replace Ken Morlock as commentator on the joint paper by Ron Cuming and Catherine Walsh.



## ACKNOWLEDGEMENT OF SPECIAL DONATIONS

We are most grateful to the following law firms for substantial donations to help defray the expenses of this year's Annual Workshop:

*Lerner and Associates*

*McCarthy Tétrault*

*Osler, Hoskin and Harcourt*

*Torys*

**LIST OF ACTIVE PARTICIPANTS AND REGISTRANTS**

(as of October 17, 2000)

ANAND, Anita	Faculty of Law Queen's University
BAIRD, David	Torys Toronto, Ontario
BAIRD, Ron	Canada Deposit Insurance Corporation Toronto, Ontario
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CHAPMAN, John	Miller Thomson Toronto, Ontario
CHERTKOW, Joseph	McMillan Binch Toronto, Ontario
CHISICK, Casey	Faculty of Law University of Manitoba

CHOUDRY, Sujit	Faculty of Law University of Toronto
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CLOSE, Arthur	British Columbia Law Institute Vancouver, British Columbia
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DUGGAN, Tony	Faculty of Law University of Toronto
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GERTNER, Eric	McCarthy Tétrault Toronto, Ontario

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GOODE, Sir Roy	St. John's College Oxford, England
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IVANKOVICH, Ivan	Faculty of Business University of Alberta
JACKSON, Justice Georgina	Court of Appeal Regina, Saskatchewan
JACKSON, Patricia	Torys Toronto, Ontario
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PITEL, Stephen	Faculty of Law University of Western Ontario
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SCOTT, Stephen	Faculty of Law McGill University
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